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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	No. CR-12-00777 SC
)	
14)	STIPULATED REQUEST TO SET HEARING AND
)	EXCLUDE TIME PURSUANT TO THE SPEEDY
15 v.)	TRIAL ACT AND PROPOSED ORDER
)	
16 NATHANIEL YANCEY,)	
)	
17 Defendant.)	
)	

18
19 On November 20, 2013, Nathaniel Yancey was convicted following a jury trial of possession of
20 marijuana, in violation of Title 21, United States Code, Section 844, and being a felon in possession of a
21 firearm and ammunition, in violation of Title 18, United States Code, Section 922(g). The jury did not
22 reach a verdict with respect to the remaining charges: (1) Possession with intent to distribute marijuana,
23 in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D); and (2) possession of
24 a firearm in furtherance of a drug-trafficking crime, in violation of Title 18, United States Code, Section
25 924(c). At that time, defendant reserved his right to file a motion for judgment of acquittal and a motion
26 for new trial pursuant to Federal Rules of Criminal Procedure 29 and 33.

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1 The parties request that this Court set this matter for a motion setting/trial setting hearing on
2 December 13, 2013 at 10:00 a.m. to set a motion schedule for defendant's motion for judgment of
3 acquittal and a motion for new trial, and to set a trial date for a retrial of the counts upon which the jury
4 did not reach a verdict. The parties also request that the Court extend the deadline for defendant to file a
5 motion for judgment of acquittal and a motion for new trial until the Court sets a briefing and hearing
6 schedule for the same on December 13, 2013. In the meantime, the parties are researching issues related
7 to defendant's motion for judgment of acquittal and a motion for new trial, and issues related to a
8 potential retrial of the counts upon which the jury did not reach a verdict. The parties are also engaging
9 in discussions regarding a potential resolution that would obviate the need for post-trial motions and/or a
10 retrial.

11 As a result, the parties further request that the Court exclude time between November 25, 2013
12 and December 13, 2013 under the Speedy Trial Act for effective preparation of counsel, continuity of
13 counsel, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The extension is not sought for delay,
14 and the parties agree the ends of justice served by granting the continuance outweigh the best interests of
15 the public and the defendant in a speedy trial.

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17 DATED: November 22, 2013

18 MELINDA HAAG
19 United States Attorney

20 _____/s/
21 JAMES C. MANN
22 Assistant United States Attorney

_____/s/
ISMAIL J. RAMSEY
Counsel for Defendant

23 IT IS HEREBY ORDERED that, good cause having been shown, this matter is set for a motion
24 setting/trial setting hearing on December 13, 2013 at 10:00 a.m. Defendant's time to file a motion for
25 judgment of acquittal and a motion for new trial is extended until the Court sets a briefing and hearing
26 schedule for the same on December 13, 2013. Additionally, time between November 25, 2013 and
27 December 13, 2013 is excluded under the Speedy Trial Act for effective preparation of counsel,

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continuity of counsel, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for the reasons set forth in the parties' stipulation.

DATED: 12/06/2013

